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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

PAUL G. SHEARER	)	
	)	3:03-cv-0263-CV-JKS
Plaintiff,	)	(Consolidated)
	)	
V.	)	
	)	
UNITED STATES OF AMERICA,	)	
DIRK KEMPTHORNE, Secretary of	)	
the Interior, the DEPARTMENT	)	NOTICE TO THE COURT RE:
OF THE INTERIOR, the NATIONAL	)	MOTION OF THE UNITED STATES
PARK SERVICE.	)	FOR ENLARGEMENT OF TIME
	)	DOCKET ENTRY NO. 120
Defendants.	)	
	)	

The United States of America, Dirk Kempthorne, Secretary of the Interior; the Department of the Interior; and the National Park Service, on July 20, 2007, filed a motion (Docket Entry No. 120) for an enlargement of time to and including September 18, 2007, in which to file a response to the Second Amended Complaint (Docket Entry No. 114). In that motion, the United States represented in part that the parties had been in active settlement negotiations for some time, and had agreed (subject to formal approval by appropriate officials of the United States) in principle to the terms of a settlement that would resolve most of the claims presented in the Second Amended

Complaint (Docket Entry No. 114), and that the United States on July 12, 2007, sent Paul Shearer a draft of a proposed Settlement Agreement which it believed embodied the terms of the proposed settlement.

Late in the afternoon of July 20, 2007, and subsequent to the filing of the Government's motion for enlargement of time, counsel for defendants and Paul G. Shearer talked by telephone with regard to the draft Settlement Agreement. During that conversation, it became clear that there had been no meeting of the minds. With respect to one matter in particular Shearer was seeking something of a substantive nature beyond that which the United States understood was in their agreement, and about which Shearer had previously been informed the United States could not agree.<sup>1/</sup> Therefore, while at the time of the filing by the United States of its motion for enlargement of time the United States believed that there was an agreement in principle, that no longer appears to be correct.

The United States still needs the requested enlargement of time. One, the United States would hope that Shearer would change his mind, and still proceed with the proposed settlement. Two, counsel for the United States has been devoting all his time regarding this case to settlement negotiations, drafting a proposed Settlement Agreement and anticipatory drafting of the necessary recommendation memorandum to the officials within the Department of Justice for approval of a proposed settlement.

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<sup>1/</sup> The particular proposed language that became an identified problem had actually been provided to Shearer on July 2, 2007.

Shearer had indicated that he wanted any approval to be pursuant to an expedited schedule, and undersigned counsel was trying to accommodate Shearer's request. The United States has, accordingly, not been preparing a response to the Second Amended Complaint.

Dated this 23rd day of July, 2007.

/s/ Dean K. Dunsmore  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 23<sup>rd</sup> day of July 2007, a copy of the foregoing Notice to the Court Re: Motion of the United States for Enlargement of Time was served by placing said copies in a postage prepaid envelope, addressed to that person at the place and address stated below, and by depositing said envelope and contents in the United States mail at Anchorage, Alaska.

Paul G. Shearer  
Kathryn A. McCready  
1532 Meadows Drive  
Lake Oswego, Oregon 97034

/s/ Dean K. Dunsmore  
Dean K. Dunsmore